REMARKS

The Examiner has stated that the application, as filed, is subject to a restriction requirement and requires an election of both a specific patient and a specific peptide amino acid sequence. This election is allegedly required for continued prosecution of the Applicants' preferred embodiment regarding a method of administering an antibody specific for the C5a peptide to a patient suffering from sepsis.

The Examiner has identified two types of allegedly patentably distinct species: "... A) peptides of SEQ ID NO:2 and SEQ ID NO:75, as recited in claim 2, B) human, rat, cow, and pig patients, as recited in claim 4." *Office Action, pg 2.*

The Applicants elect, without traverse, to prosecute a peptide consisting of SEQ ID NO:2 in a human patient. To facilitate this election the Applicants have provided an amended set of claims in standard Office Action response format. The Applicant, therefore, reserves the right to prosecute the canceled claims, in addition to any remaining sequences and patients specified within the Applicants' specification, in a continuing or different application.

For the record, the Applicants acknowledge the renumbering of the claims that were submitted in a non-consecutive fashion. The Applicants also note that a consecutive reference to Claim 9 was also absent in the originally submitted claims. Appendix II reflects the Examiner's suggested new claim numbering in accordance with amendments made herein.

CONCLUSION

The Applicant believes that the above election of species and patient type will allow the Examiner to proceed with a normal examination of the claims. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the Applicant encourages the Examiner to call the undersigned collect at 617.252.3353.

Dated: July 19, 2002

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APPENDIX I
MARKED-UP VERSION OF REWRITTEN CLAIMS
PURSUANT TO 37 CFR § 1.121 (c)(1)(ii)

1. A method, comprising:

   a) providing;

      i) a [patient] human presenting symptoms of sepsis, and

      ii) a therapeutic composition comprising an antibody specific for SEQ ID NO:2 [the complement component of a C5a peptide region, wherein said C5a peptide region is some fraction of the complete C5a peptide]; and

   b) administering said therapeutic composition to said [patient] human.

3. The method of Claim 1, wherein said [subject] human presents the symptoms of sepsis for a period in the range of approximately six to twelve hours prior to the administration of said therapeutic composition.